

## REMARKS

Consideration of this application in light of the present amendment is respectfully requested.

Claims 1-4, 6, 8, 9 and 11-13 have been rejected.

Claims 5, 7, 10 and 14 were previously canceled.

Claims 1 and 11 have been amended.

Claims 1-4, 6, 8, 9 and 11-13 are pending in this application.

### 35 U.S.C. §103(a)

Claims 1-4, 6, 8-9, 11 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dajer et al. (US 6,094,585, hereinafter “Dajer”) in view of Arntz (US 5,751,250) and Liew (US 6,415,153). This rejection is respectfully traversed.

The Examiner has indicated that the claims are deficient for not reciting “different (timing) filters” for filtering different duration power requirements. Claims 1 and 11 have been amended to incorporate the “different filter” element from claims 5 and 7, and a specified timing element, to reflect that different filters are used to filter the downlink information to provide different duration power requirements which is then used for different resource management decisions for power sharing between sectors.

The Examiner has also indicated that the claims are deficient for not reciting “time dependent operations and scalings” and “accounting for short or long term power variations”. Claims 1 and 11 have been amended to incorporate “time dependent operations (filtering) and scalings” and “accounting for short or long term (different duration) power variations”.

The Examiner has also indicated that the claims are deficient for not reciting “a duration of time that a new call might be over the threshold”. Claims 1 and 11 have been amended to recite that the invention concerns “a new call having a duration of time over a threshold”.

Hopefully, the amended claims address the Examiner’s concerns by clearly specifying that different time dependent operation and scalings can be used to increase sector capacity by accounting for short or long term power variations depending upon different resource requirements (e.g. scheduling, handover, admissions) of the sector.

Dajer discloses a technique to determine if a base station has enough power to handle an additional call (col. 2 lines 15-17, col. 3 lines 48-52 and col. 4 lines 58-65). In particular, Dajer monitors a real-time power level (col. 3 lines 55-62) and compares it to a power level threshold to determine if there is enough power to add a new call (col. 5 lines 21-30). This is done against an absolute threshold limit without regard to a duration of that power level. In other words, any request for

power over the threshold is rejected (col. 5 lines 55-56). Applicants repeat that Dajer does not consider a duration of time that a new call might be over the threshold. Inasmuch as Dajer blocks all calls that would exceed the threshold, there is no need for Dajer to consider how long such a power threshold might be breeched, and indeed Dajer makes no such consideration of duration. In contrast, filtering a duration of power levels in applicants' invention may permit a short term exceeding of a power threshold.

Applicants disagree that Dajer in view of Arntz and Liew describe the filtering and scaling of amended claim 1, which is not the same as averaging. Applicants' filtering uses a timing filter to obtain specific different modifications of power measurements, i.e. short, medium, and long term averages or variances (see page 7 last paragraph) for different requirements, as recited in amended claim 1. Even if one were to consider "averaging" as being equivalent to "filtering", Dajer only considers one single average and not a plurality of different duration averages or variances. Inasmuch as only one average is suggested, Dajer could not have further envisioned how or why to apply multiple different filters to different management decisions (see page 8 first full paragraph).

The Examiner goes on to state that Dajer in view of Arntz and Liew use of averaging corresponds to applicants' modifying (scaling) step. Applicant may understand how one reference ("averaging") can be argued against another reference ("filtering") but disagrees that the same reference ("averaging") can also be used against a different reference (modifying or scaling). It is clear from the text (page 8 third full paragraph and page 9 first full paragraph), that applicants' modifying (scaling) step is completely different from applicants' filtering step, and that simple averaging step cannot be used against both of applicants' filtering and scaling steps.

Therefore, applicants respectfully submit that Dajer in view of Arntz and Liew is still missing at least the elements of; a) multiple filters of different durations, b) different filters for different requirements, c) making a decision on both filtering and scaling information, and d) making different decisions upon different filtering and scaling information.

Arntz discloses a power sharing amplifier network wherein amplifier power may be shared between sectors. However, Arntz does not suggest or disclose using a duration in a determination for provisioning amplifier power between sectors, nor does Arntz suggest or disclose the scaling and filtering of the power information as recited in applicants' claims. Therefore, applicants respectfully submit that Arntz is also missing at least the elements of; a) multiple filters of different durations, b) different filters for different requirements, c) making a decision on both filtering and scaling information, and d) making different decisions upon different filtering and scaling information.

Liew discloses scaling power information in response to high load levels to affect handoffs to other sectors. However, Liew does not disclose filtering. In addition, Liew does not suggest or disclose using a duration in a determination for provisioning amplifier power between sectors. Therefore, applicants respectfully submit that Liew is still missing at least the elements of a) multiple filters of

different durations, b) different filters for different requirements, c) making a decision on both filtering and scaling information, and d) making different decisions upon different filtering and scaling information.

In summary, none of the cited art, in combination or alone, suggest or disclose the scaling and filtering of the power information, and applying different scaling and filtering depending upon different sector requirements, as recited in the amended claims. Therefore, none of the cited art solves the problem of sectors exceeding their power threshold in the same way as applicant's novel and inventive solution of using different scaling and filtering of power information in order for a resource manager to effect a decision for different sector requirements for allocating shared amplifiers. The use of power control and management using applicant's scaling and filtering features as disclosed in the amended claims requires a substantial number of steps not disclose or suggested in the references as described above, and is therefore deemed inventive over the cited art.

Therefore, applicant respectfully submits that amended claims 1 and 11 are novel and inventive over the cited art.

Claims 2-4, 6 and 8-9 are dependent on amended claim 1, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons. Similarly, claims 13 is dependent on amended claim 11, hereby incorporated by reference, and is therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,  
**Wallington et al.**

**Customer Number 22917**

Motorola, Inc.  
Law Dept. - 3<sup>rd</sup> floor  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196

By: /Brian Mancini/  
Brian M. Mancini  
Attorney for Applicant(s)  
Registration No. 39,288  
Phone: (847) 576-3992  
FAX: (847) 576-3750